

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**LUV N' CARE, LTD. and ADMAR
INTERNATIONAL, INC.,**

Plaintiffs,

v.

**SHIBOLETH, LLP, and its members
and of counsel, AMNON SHIBOLETH,
OREN HEIMAN, MORRIS E.
COHEN, CHARLES B. MANUEL, and
ROCHELLE R. WEISBURG, and
DOES 1-10,**

Defendants.

Civil Action No .

**1:13-cv-04720-RRM-
LB**

Jury Trial Demanded

PLAINTIFF'S MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT

Now come the Plaintiffs Luv n' care *et al.* and respectfully move the Court pursuant to the provisions of Rule 15 FRCP to file the attached Second Amended Complaint, which merely joins a previously named joint tortfeasor, Morris E. Cohen, Esq., in the present malpractice lawsuit.

Rule 15 (a) (2) FRCP provides:

(2) *Other Amendments.* In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

Thus, did Plaintiff's counsel send the following email to the email address listed on the Court's Docket for opposing counsel, who did not respond:

From: Robert M. Ward
Sent: Wednesday, April 15, 2015 11:14 AM
To: cbm@manuel-law.net
Subject: FW: Luv N' Care, Ltd. and Admar Int'l Inc., v. Shibolet LLP, et al.

Charles,

I trust that you are well, and have substantially recovered from New York's difficult winter season.

Do the Defendants have any objection to Morris Cohen being joined as a party defendant in the pending lawsuit?

Bob

Wherefore, no party is prejudiced by the joinder of Mr. Cohen, *inter alia*, because he was named as a joint tortfeasor in the Complaint and in the Amended Complaint. And, moreover, as the Court is aware, in the State of a New York it is Black Letter Law that prescription does not run against a joint tortfeasor.

Accordingly, the present motion for leave to amend should be granted, and the same is respectfully solicited.

Respectfully submitted, this 24th day of April, 2015,

/s/Anthony H. Handal

Anthony H. Handal

N.Y. Fed. Bar No. AH5104

(Admitted in NY 1/16/75)

Handal & Morofsky, LLC

420 Lexington Avenue

Suite 300

New York, NY 10170

Phone: (646) 770-1010

handal@handalglobal.com

Of counsel:

Robert M. Ward

Dilworth IP, LLC

2 Corporate Drive

Suite 206

Trumbull, CT 06611

Telephone: (203) 220-8496

Mobile: (404) 606-6480

Facsimile: (203) 220-8497

rward@dilworthip.com